

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION**ON CONSISTENCY DETERMINATION**

Consistency Determination No.	CD-19-00
Staff:	MPD-SF
File Date:	2/22/2000
45th Day:	4/7/2000
60th Day:	4/22/2000
Commission Meeting:	3/14/2000

FEDERAL AGENCY: **U.S. Air Force**

PROJECT
LOCATION:

Minuteman, Wall, Surf, and Ocean Beaches, Vandenberg
Air Force Base, Santa Barbara County (Exhibits 1-4)

PROJECT
DESCRIPTION:

Interim restrictions on public access along the shoreline
(Exhibits 2-4) to protect nesting habitat for the western
snowy plover (Exhibits 5-6).

SUBSTANTIVE
FILE DOCUMENTS:

See page 15.

EXECUTIVE SUMMARY

The Air Force submitted a consistency determination for “interim” modifications to its public access management plan for Vandenberg Air Force Base (AFB) designed to protect the western snowy plover, a federally listed threatened species. In 1995 the Commission previously concurred with the Air Force’s consistency determination for a one-year “linear” closure at Ocean Beach; those restrictions were continued in ensuing years. The proposed measures are still considered “interim,” because the Air Force is working on a long-term management plan, which it expects to complete this summer.

The Air Force has been working with the U.S. Fish and Wildlife Service and the Commission staff for a number of years on the conflict caused by the habitat needs of the plover and the public’s need for access. Both needs are critical along this stretch of coastline: Vandenberg AFB provides vital nesting habitat for the plover, and access opportunities between Pt. Sal and Gaviota, a 64 mile stretch of coast, are extremely scarce.

Ocean Beach is the most heavily used public access point at Vandenberg. The previously-concurred-with “linear closure” involved a closure of Ocean and Wall Beaches during the plover nesting season, March through September, for the area where the birds nest (i.e., above +7 ft. mean lower low water (MLLW)). The Air Force did not formally return to the Commission the following year for an extension to these restrictions; however the Air Force did continue to work with the Commission staff and the U.S. Fish and Wildlife Service in subsequent years to implement the same restrictions, and to monitor impacts on both public access and impacts plover nesting. This subsequent monitoring indicated that plover nesting success continued to decline on Vandenberg and that the linear closure was not successful in protecting the plovers. The Fish and Wildlife Service notes that monitoring has established reproductive success of western snowy plovers to be “substantially lower in the areas with linear closures than in those areas that were fully closed.”

The Fish and Wildlife Service continued to press for more extensive closures, and, after reviewing the monitoring data and adopting formal “critical habitat” designations for the plover (including all occupied beaches on Vandenberg) on December 7, 1999, the Service also recommended that all beaches where plovers nest be fully closed during the nesting season. In response, the Air Force continued to meet with the Service and currently proposes closure of all beach areas on Vandenberg supporting nesting snowy plovers during the nesting season, (through September 30, 2000, or until implementation of the long-term management plan), with the following exceptions: (1) access to 0.5 mile of Surf Beach in the vicinity of Surf Station; (2) historically available military personnel and civilian fishing (limited access, subject to a VAFB-issued pass) access only to the northernmost 0.25 mile of Wall Beach; and (3) historically available military access only to Minuteman Beach, where there are no nesting plovers, and where national security restrictions preclude public access. Although the Fish and Wildlife Service would prefer a full beach closure, the Service is nevertheless willing to support the current proposal, assuming the agreed-upon enforcement and monitoring components are implemented.

The proposed restrictions are consistent with the public access and recreation policies (Sections 30210-30214) of the Coastal Act, because previous less restrictive closures have not been effective, and because the access policies specifically call for the management of access in a manner taking into account sensitive habitat needs. The proposed restrictions are necessary to protect and, where access will continue, will not adversely affect, the snowy plover and are consistent with the habitat policies (Section 30240) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description. The Air Force proposes to increase interim restrictions on public access (including military personnel) at beaches where snowy plovers nest on Vandenberg Air Force Base in northern Santa Barbara County. The closures will occur during the plover’s nesting season, March through September. Under this interim plan, only 3 beaches will be

partially open (Exhibits 2-4): Minuteman Beach, the northern ¼ mi. of Wall Beach (only open to military personnel, and, on a limited basis, subject to receiving a VAFB pass, civilian access primarily for fishing), and Surf Beach (full public access from the vertical access trail seaward of the parking lot/rail station to ½ mile north along the beach). The remaining beaches where snowy plovers nest, including the popular Ocean Beach just south of the Santa Ynez River mouth, and the portion of Wall Beach just north of the Santa Ynez River mouth, will be closed during the nesting season.

The measures are considered “interim” because the Air Force intends to propose a long-term management plan that it expects to complete this summer (by July 1, 2000). Under this interim plan, the Air Force proposes to provide open (i.e., not a linear restriction) recreational access during the nesting season to three separate areas:

- Public access to 0.5 mile of Surf Beach in the vicinity of Surf Station, using the currently existing access trail. The southern boundary of the closure will be as for the July 1999 South Surf closure. The northern boundary will be established so as to avoid the cluster of several nests that typically occurs on the northern edge of this beach segment (see attached map [Exhibit 2]).
- Military access and civilian fishing access (subject to VAFB pass) only to the northernmost 0.25 mile of Wall Beach (Exhibit 3).
- Military access only to the northernmost 0.5 mile of Minuteman Beach, on the bluff-backed beach north of the existing access trail where snowy plover nesting has not been known to occur to date (Exhibit 4).

All other beach areas on Vandenberg supporting nesting snowy plovers would be closed from March 1 through September 30, 2000, or until implementation of the long-term management plan discussed above. In all, 11.25 miles (90 percent) of nesting habitat on Vandenberg would be protected during the nesting season.

II. History of Plover-Related Closures. In 1995, the Air Force proposed a one-year “linear” closure of Ocean and Wall Beaches area above +7 ft. mean lower low water (MLLW) during the plover’s nesting season. The closure was accompanied by signs restricting entrance into the plover nesting area, interpretive signs explaining the status of this threatened species, and active enforcement and education by Base and Fish and Wildlife Service personnel. After the Air Force agreed to limit the closure to one year and return at a later date with an access management plan protecting the plovers, the Commission concurred and found the linear closure consistent with the public access policies of the Coastal Act. The Commission and the Air Force had hoped that a linear closure could benefit snowy plover nesting success without significantly affecting public use of the beach.

The Air Force did not formally return to the Commission the following year for an extension to these restrictions. However the Air Force did continue to work with the Commission staff and the U.S. Fish and Wildlife Service in subsequent years to continue to implement the linear restrictions and continue to monitor impacts on both public access and plover nesting. After monitoring results indicated decreasing plover nesting success, on June 25, 1999, the Fish and Wildlife Service recommended an immediate emergency closure of 3 miles of publicly accessible beaches (starting just south of Surf Station and continuing 3 mi. further south) where the greatest concentrations of plover nesting occurs. The request was made because the plover's breeding success in past two years had declined dramatically in California, and because the linear closure had not proven successful in protecting the plovers. The Air Force complied with this recommendation, and on September 2, 1999, the Commission's Executive Director concurred with the Air Force's negative determination (ND-87-99) for after-the-fact beach closures for the summer 1999 snowy plover nesting, with an agreement for follow-up submittals this year.

In addition, on December 7, 1999, the Fish and Wildlife Service adopted "critical habitat" designations for the plover, including all plover occupied beaches on Vandenberg (Exhibit 8). On January 21, 2000, and again on February 1, 2000, the Fish and Wildlife Service informed the Air Force that circumstances had changed since the Service's Feb. 3, 1995, biological opinion for the base, that new consultation under the Endangered Species Act (Section 7) was required, and that:

A four-year study of monitoring data concluded reproductive success of western snowy plovers to be substantially lower in the areas with linear closures than in those areas that were fully closed. [Emphasis added]

The Service's letters also noted that plover nesting success at Vandenberg continued to decrease in 1999 compared to 1998, and that:

... Vandenberg AFB has the greatest potential for increasing the number of breeding western snowy plovers of all other occupied areas throughout California because of the large continuous area of suitable habitat. Thus, Vandenberg AFB is integral to the recovery of the species.

In these letters (Exhibits 9-10), the Fish and Wildlife Service also noted that:

Vandenberg AFB does not currently have an exemption to the prohibition against take, as described in section 9 of the Act, of western snowy plovers from beach recreation until consultation has been reinitiated and is complete.

III. Status of Local Coastal Program. The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the California Coastal Management Program (CCMP), the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has certified Santa Barbara County's LCP and incorporated it into the CCMP.

IV. Federal Agency's Consistency Determination. The U.S. Air Force has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

V. Staff Recommendation. The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission agree with consistency determination CD-19-00 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

STAFF RECOMMENDATION:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

RESOLUTION TO AGREE WITH CONSISTENCY DETERMINATION:

The Commission hereby **agrees** with the consistency determination by the U.S. Air Force, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

I. Findings and Declarations:

The Commission finds and declares as follows:

A. Regulatory Background. The U.S. Fish and Wildlife Service listed the Pacific Coast population of the Western snowy plover as "threatened" in March 1993 under the Endangered Species Act (ESA) of 1973, as amended. The ESA mandates Vandenberg Air Force Base to protect snowy plovers within its borders and enforce the provisions of the ESA, which prohibit accidental and intentional take. "Take," as defined under the Section 3 of the Endangered Species Act, means to "*harass, harm, pursue, hunt, shoot, wound, kill, trap,*

capture, or collect this species, or to attempt to engage in any such conduct.” Under the ESA, "species" includes snowy plover eggs as well as adults and chicks. During the 1993 nesting season, the U.S. Fish and Wildlife Service reported to Vandenberg AFB that normal public activity previously permitted within snowy plover nesting habitat on Ocean Beach resulted in both direct mortality to snowy plover eggs and harassment of adults and chicks. Overall, observed fledging success was far lower at Ocean Beach, which is open to the public, than at other Vandenberg beaches that are not open to the public. Snowy plovers nest in sandy areas above the high tide line along the entire length of Ocean Beach. On December 7, 1999, Fish and Wildlife Service adopted formal “critical habitat” designations for the plover, including all beaches where plovers nest on Vandenberg AFB, including publicly-accessible Ocean and Wall beaches.

The ESA requires federal agencies to consult with the U.S. Fish and Wildlife Service regarding actions that may affect listed species. Such actions include management of recreational beach use that results in a take of Western snowy plovers or otherwise affects this listed species. The ESA also directs Federal agencies to use their authorities to further the purposes of the Act, which include conservation and recovery of listed species.

The Air Force's goal is to “reduce” take and improve reproductive success of the Western snowy plover while maintaining the type and extent of recreational uses historically available to the public and military personnel. The Air Force attempted to achieve this goal by pursuing the previously discussed “linear” closure that only curtailed recreational activity during the nesting season above the high tide line (i.e., +7 ft. MLLW). With subsequent monitoring showing the linear closure unsuccessful in protecting the plovers, and in further consultation with the Fish and Wildlife Service under Section 7 of the ESA, the Air Force agreed to a more extensive closure late in last year’s nesting season (see page 4), and, for this year’s nesting season, proposes a 3-part solution: immediate, interim, and long-term measures (see pp. 2-3).

Procedurally before the Commission, implementation of these measures necessitates three separate actions by the Commission and its staff: (1) a negative determination for the period between March 1, 2000, and the March 15, 2000, Commission meeting; (2) the subject consistency determination for proposed “interim” measures to be in place this nesting season and until the Air Force can complete a long term plan; and (3) a long-term management plan, which the Air Force expects to complete this summer (by July 1, 2000). The Air Force expects to return to the Commission with this long-term plan by August 1, 2000.

B. Public Access and Recreation. Sections 30210-30212 of the Coastal Act provide for the maximization of public access and recreation opportunities, acknowledging that such access needs to be managed in a manner taking into account natural resource protection needs. Section 30213 provides for the protection of lower cost visitor and recreational facilities. Section 30214 elaborates on access management considerations, providing that:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: ...

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area

Thus, Section 30210 of the Coastal Act clearly provides for managing public access and recreational opportunities in order to protect natural resource areas, such as nesting habitat for a threatened species. However, the Commission must analyze these access restrictions in the context of existing access resources in the area. Access to the northern Santa Barbara County coast is more limited than almost any other portion of the California coast. Between Gaviota and Point Sal is a 64-mile stretch of coastline that is only open to the public at two locations: Ocean Beach and Jalama Beach. Both of these beaches are subject to temporary closures during missile launches at Vandenberg. Three large landowners, the Air Force, Bixby Ranch, and Hollister Ranch, own most of this coast in this area.

The Commission has a long and extensive history of concern over the limitations on public access to this area of the coast, including numerous attempts to implement the public access provisions of the Coastal Act at Hollister and Bixby Ranches through the permit and LCP processes. Although the Santa Barbara County LCP contains public access requirements triggered by the development of Bixby Ranch, that development has not occurred and that area remains inaccessible. Additionally, the Commission maximized public access through the federal consistency provisions of the Coastal Zone Management Act in this area of the coast. The Commission concurred with a consistency determination by the Air Force for the construction of a Space Shuttle launch facility. The Air Force amended that consistency determination (CD-21-82) to provide additional public access at Ocean Beach and north of Jalama Beach. In another consistency determination (CD-5-89), the Commission staff recommended objection (the Air Force withdrew the project at the hearing) to a proposal to construct a new launch facility because of impacts, including closures, to the use of Jalama Beach. Finally, the Commission objected to a consistency determination (CD-65-90) by the Air Force for the acquisition of development rights on Bixby Ranch because it affected the local government's ability to implement the access provisions of its LCP. These actions demonstrate that protecting existing and providing new access opportunities in this area of the coast is a high priority for the Commission.

At the same time, just as Vandenberg provides critically needed public access opportunities in an area where access is limited, it is equally if not more critically vital to the very survival of the snowy plover. As the Fish and Wildlife Service points out (see pp. 4 and 9-11):

..., Vandenberg AFB has the greatest potential for increasing the number of breeding western snowy plovers of all other occupied areas throughout California because of the large continuous area of suitable habitat. Thus, Vandenberg AFB is integral to the recovery of the species.

The historic limitations on public access along this portion of the coast make it difficult for the Commission to authorize any activities that further restrict public access, even though Sections 30210-30214 of the Coastal Act require the Commission to consider restrictions on public access where necessary to protect sensitive habitat resources. This is why the Commission and the Air Force have struggled with less damaging (from an access perspective) alternatives for managing access, including the previously authorized linear closure. Unfortunately, the linear closure has not been successful (see pp. 9-14 of this report), and the monitoring data from the past four years provides compelling evidence that additional restrictions are necessary to protect snowy plovers. Also unfortunately, the peak summer recreation season for beach use overlaps the plovers' nesting season (Mar. thru Sept.). Working with the Fish and Wildlife Service, and continuing to strive to provide as much public access as possible between Jalama and Pt. Sal, the Air Force currently proposes, on an interim basis, the following balance of seasonal closures and openings:

Specifically, Vandenberg proposes to provide open (no linear restriction) recreational access during the nesting season to three separate areas. Distances listed are approximate.

- *Public access to 0.5 mile of Surf Beach in the vicinity of Surf Station, using the currently existing access trail. The southern boundary of the closure will be as for the July 1999 South Surf closure. The northern boundary will be established so as to avoid the cluster of several nests that typically occurs on the northern edge of this beach segment (see attached map).*
- *Military access [and civilian fishing access (subject to VAFB pass)] only to the northernmost 0.25 mile of Wall Beach.*
- *Military access only to the northernmost 0.5 mile of Minuteman Beach, on the bluff-backed beach north of the existing access trail where snowy plover nesting has not been known to occur to date.*

All other beach areas on Vandenberg supporting nesting snowy plovers would be closed from March 1 through September 30, 2000 or until implementation of the long-term management plan discussed above. In all, 11.25 miles (90 percent) of nesting habitat on Vandenberg would be protected during the nesting season.

Public uses at the beaches proposed for seasonal closures (Ocean Beach, south of the Santa Ynez River mouth, and, when the sandspit forms and access is available north of the river along the southern portion of Wall Beach) include sunbathing, fishing, dog-walking (leash required), surfing, swimming, and horseback riding. As noted previously, Ocean Beach is the most easily accessible and the most heavily used public access point at Vandenberg. Current use of Minuteman Beach is limited to Air Force personnel (due to military security restrictions). Wall Beach, when accessed from the north, is limited to Air Force personnel and civilians (primarily surf fishermen), who must receive an Air Force-issued pass on a first-come, first-served basis.

Even though the proposal affects regionally important public recreational beach use, Sections 30210-30214 of the Coastal Act require the Commission to consider public access restrictions if they are necessary to protect natural resources, including environmentally sensitive habitat. With a federally listed threatened species, the snowy plover, whose nesting success has substantially diminished in recent years, and where alternatives designed to accommodate greater levels of access while still protecting snowy plovers have not been successful, although the choice is difficult it is nevertheless clear. Additional modifications such as those proposed here by the Air Force are necessary to protect the plover, and the Air Force will maintain limited access opportunities during the nesting season for beach access, where it can be justified based on snowy plover protection needs. This Air Force's proposal, like the previous linear closure, is still an interim solution; as stated above the Air Force will return to the Commission with a long-term plan later this year. The Commission concludes that the Air Force's interim proposal is consistent with the public access and recreation policies of the Coastal Act (Sections 30210-30214).

C. Environmentally Sensitive Habitat. Section 30240(a) of the Coastal Act provides that "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas." In March 1993, the U.S. Fish and Wildlife Service listed the Pacific Coast population of the Western snowy plover as a threatened species. The snowy plover is a small pale colored shorebird with dark patches on either side of the upper breast. Snowy plovers forage on invertebrates in the wet sand, surf-cast kelp within the intertidal zone, dry sandy areas above high tide, on salt pans, dredge spoil sites, and along the edges of salt marshes and salt ponds. The plover nests in loose colonies along beaches that provide on flat open areas with sandy or saline substrates. The nest areas are normally devoid of vegetation and drift wood. The plover nests on sand spits, dune-backed beaches, unvegetated beach strands, open areas around estuaries, and beaches at river mouths. In the publishing the Final Rule determining the threatened status of the species, U.S. Fish and Wildlife Service describes the status of the species as follows:

*Poor reproductive success, resulting from human disturbance, predation, and inclement weather, combined with permanent or long-term loss of nesting habitat to encroachment of introduced European beach grass (*Ammophila arenaria*) and urban*

development has led to a decline in active nesting colonies, as well as an overall decline in the breeding and wintering population of the western snowy plover along the Pacific coast of the United States.

The snowy plover nests along the entire length (approximately 4.5 miles) of Ocean Beach and Wall Beach (Exhibits 5-6). In a 1995 environmental assessment, the Air Force described the status of the bird at Ocean Beach as follows:

Vandenberg Air Force Base supports approximately 200 breeding snowy plovers (USFWS 1994). In 1993, 82 of these nested on Ocean Beach. The remainder are on beaches on the northern portion of the base which are restricted to base personnel. The Ocean Beach population represents 6 percent of the entire California population of the threatened coastal population of the western snowy plover.

After the federal listing of this species, the Fish and Wildlife Service monitored the reproductive success of the plover on Vandenberg Beaches. That monitoring report contained evidence that existing public use of Ocean Beach is affecting the reproductive success of the plover. Continued monitoring in more recent years provides evidence of continued declines in reproductive success, especially in areas where the public has access to the beach.

The Air Force's 1995 environmental assessment described the results of this monitoring at that time as follows:

Snowy plovers nesting at Vandenberg Air Force Base were monitored by the U.S. Fish and Wildlife Service during the 1993 nesting season, the first year of intensive study of this species on base. Recreational activities now permitted within snowy plover nesting habitat on Ocean Beach (including walking, sitting, and dragging drift wood) were observed to cause "take" of snowy plovers in two ways: 1) direct loss of snowy plover nests and eggs, and 2) significant disturbance of adults and chicks, contributing to reduced reproductive success. Overall, observed hatching success of snowy plovers was far lower at Ocean Beach (48.6%), which has public access, compared to other Vandenberg beaches which are not open to public (69.7%). ... This information indicates that public recreational activities at Ocean Beach in 1993 resulted in unauthorized take of this listed species and had a significant detrimental impact on snowy plover reproductive success.

In its first monitoring report in the mid 1990s, U.S. Fish and Wildlife Service initially recommended closing recreational use of all beaches utilized by breeding plovers between March 1 and September 30. However, the Air Force believed that the impact on public access from such an action would be significant and instead proposed the previously-discussed "linear" closure as an alternative means to maintain public access and protect nesting habitat. Monitoring of the success of the approach has indicated it is not effective in protecting the plover.

More recent monitoring reports (analyzing 1994-1999 data), including monitoring after last summer's emergency closure, indicate that areas subject to complete closures are more than twice as successful as accessible areas (71% fledging rate in within-closure areas, compared to 33% fledging rate in outside-closure areas)(Exhibit 7).

A U.S. Fish and Wildlife Service letter dated June 25, 1999, recommended an immediate emergency closure of all publicly accessible beaches where the plover nests. The request was made because the plover's breeding success in past two years had declined dramatically in California, and because the linear closure had not proven successful in protecting the plovers. In addition, on December 7, 1999, the Fish and Wildlife Service adopted "critical habitat" designations for the plover, including all occupied beaches on Vandenberg. Consequently, on January 21, 2000, and again on February 1, 2000, Fish and Wildlife Service informed the Air Force that circumstances had changed since the Service's Feb. 3, 1995 biological opinion for the base, that new consultation under the Endangered Species Act (Section 7) was required, and that:

A four-year study of monitoring data concluded reproductive success of western snowy plovers to be substantially lower in the areas with linear closures than in those areas that were fully closed. [Emphasis added]

The Service also noted that Vandenberg had less nesting success in 1999 than in 1998, and, further, that:

The numbers of breeding western snowy plovers at Vandenberg AFB fluctuate between being the highest and second highest number throughout California. More importantly, Vandenberg AFB has the greatest potential for increasing the number of breeding western snowy plovers of all other occupied areas throughout California because of the large continuous area of suitable habitat. Thus, Vandenberg AFB is integral to the recovery of the species.

In its January 20, 2000, letter the Service again recommended that all beaches where plovers nest be fully closed during the season. The Service's February 1, 2000, letter noted that "Vandenberg AFB does not currently have an exemption to the prohibition against take, as described in section 9 of the Act, of western snowy plovers from beach recreation until consultation has been reinitiated and is complete." This letter also recommended closure of the Santa Ynez River mouth all year to protect both wintering and nesting plovers. In response the Air Force continued to meet with the Service and currently proposes the closure of the vast majority of beach areas on Vandenberg supporting nesting snowy plovers for this year's nesting season or until implementation of a long-term management plan. For the three exceptions where access will continue to be allowed (described on page 8 above), in its "Assessment of Impacts to Snowy Plovers" the Air Force believes human access at these locations will not adversely affect the plover for the following reasons:

Public access to 0.5 mile of Surf Beach near Surf Station. Access will be permitted at Surf Beach for approximately 0.5 mile, with access through Surf Station. Although the habitat is comparable to the dune-backed beach to the north, this area has supported lower numbers of nesting plovers than any location on Surf Beach. Still, some impacts are likely to occur. Nest totals in this area from 1994-1999 have ranged from a low of zero in 1998 to 11 in 1997 (0-3% of VAFB total).

Military-only [and civilian fishing access (subject to VAFB pass)] access to the northernmost 0.25 mile of Wall Beach. Access will be provided only to bluff-backed beach, leaving the higher quality dune-backed beach habitat south to the Santa Ynez River closed during the nesting season. From 1994-1999, nest totals in the northernmost 0.25 mile of Wall Beach have ranged from zero in 1995 and 1996 to a high of three in 1998 (0-2% of VAFB total).

Military-only access to the northernmost 0.5 mile of Minuteman Beach. Access will be provided only to the bluff-backed beach habitat of the Minuteman Beach access trail. Since intensive nesting season monitoring began in 1994, this section of beach has received little or no use by nesting snowy plovers. Dune-backed beach areas south of the access trail, formerly in linear restriction management, will be closed during the nesting season, contiguous with closed beach south of Shuman Creek extending to Purisima Point. The access trail will be routed to avoid all known nesting areas. No take in this area is likely based upon historical use.

Nest numbers in the areas proposed for access are shown in Table 1. Available data on hatching success in these areas is shown in Table 2.

Table 1. Snowy Plover Nests 1994-1999 on Areas Proposed for Recreational Beach Access

Location	Year						Range/%
	1994	1995	1996	1997	1998	1999	
N. Wall 0.25 mile	1	0	0	1	3	1	1-3 (0-2% of all nests)
N. Surf 0.5 mile	8	5	2	6	0	3	0-8 (0-3% of all nests)
N. Minuteman 0.5 mile	0	0	0	0	0	0	0 (0%)
TOTAL	9	5	2	7	3	4	2-9
% of All Nests	3%	2%	1%	2%	2%	4%	1-4%

The above numbers are conservatively projected to represent the range of potential nest take within open areas. Estimating potential take in this manner could err on the low side, because nests previously protected from direct take under linear restriction management would be subject to direct take. Subsequent re-nesting could create additional take potential. However, we anticipate improved hatching and fledging rates in closed areas, which will comprise 90 percent of nesting habitat on Vandenberg. Following the July 1999 closure of the southernmost 2.7 miles of Surf Beach, fledging rates within the closure were observed to be nearly twice that on beaches to the north that remained in linear restriction management. Similarly, although adverse modifications of designated critical habitat through reduction of habitat function (for feeding, nesting, roosting, etc.), these impacts will occur in areas of low-quality habitat (i.e., bluff-backed beach on Wall and Minuteman Beaches) or, in the case of Surf Beach in an area that historically has supported a minimum number of nests. In the remaining 90 percent of snowy plover habitat, including prime habitat areas such as that near the Santa Ynez River estuary, such functions will be fully protected in the closed areas for all stages of the breeding cycle.

Table 2. Historical Hatching Success on Proposed Open Areas, 1995-1999*

Year	Wall Beach North 0.25 Mile			Wall Beach Total 1.1 mile			Surf Station 0.5 Mile			Surf Beach Total 3.7 Miles		
	No. Nests	No. Hatched	%	No. Nests	No. Hatched	%	No. Nests	No. Hatched	%	No. Nests	No. Hatched	%
1995	0	0	NA	27	14	52	5	3	60	61	23	38
1996	0	0	NA	32	21	66	2	0	0	95	37	39
1997	1	0	0	36	7	19	6	0	0	172	16	9
1998	3	1	33	31	10	32	0	0	NA	38	9	24
1999	1	0	0	16	4	25	3	3	100	44	16	36
Total	5	1	20	142	56	39	16	6	38	410	101	25

* 1994 not included because data not yet available on Vandenberg's GIS database. Minuteman Beach not included due to lack of nesting activity.

The Air Force also believes the proposed closures will provide increased benefits to plovers because they will be easier to enforce. The Air Force states:

Enforcement. *Vandenberg's 30th Security Forces Fish and Wildlife Section (30 SFS/SFOW) will strictly enforce beach access restrictions. We also anticipate U.S. Fish and Wildlife law enforcement support, as in the past, particularly on weekends and holidays. The proposed action will be more readily enforceable than the linear restriction proved to be. Game wardens will be patrolling areas that are very limited in size, and violators can be readily viewed from access points. Patrol protocols, which restrict ATV and horse patrols to wet sand areas and designated access trails, will be followed as in prior years to minimize effects of enforcement activities. In addition, fencing and signs will be placed to delineate closed beach and dune areas, to prevent*

intrusion into closed areas to the maximum extent feasible. We propose using snow fence, attached in sections to posts approximately 8-12 feet apart. Fences will be kept at least 12 inches above ground level to allow for bird movement and natural sand drift. Pre-season publicity will describe impending closures.

Vandenberg proposes to establish limits to the number of violations that will be allowed to occur on each open beach segment during the period of this interim management action (approximately 3-4 months). If more than 15 closure violations (by people or their pets) occur on any open beach segment, that beach segment will be closed for the remainder of the nesting season (through September 30, 2000), or until implementation of a long-term management plan acceptable to Vandenberg and the Service. If more than 15 leash law violations occur anywhere on Surf, Wall, or Minuteman Beach, dogs will be banned from that beach segment for the remainder of the nesting season, or until implementation of a long-term management plan acceptable to Vandenberg and the Service. ...

Although as previously indicated the Fish and Wildlife Service would prefer a full beach closure, the Service nevertheless believes it can support the current proposal under Section 7 of the ESA, as long as it is accompanied with the above enforcement and monitoring measures. If this approach does not improve plover nesting success, the Service will undoubtedly press for further access restrictions.

In conclusion, because the snowy plover is a threatened species, the proposed access restrictions to protect its habitat is subject to review under the standards of Section 30240(a) of the Coastal Act. This section requires that environmentally sensitive habitats must be protected from significant disruptions, and that only resource dependent activities are allowed within the sensitive areas. The purpose of the proposed activity is to manage public access in a manner that reduces impacts on the snowy plover. Since public access opportunities are a resource that currently exists within the nesting habitat of the snowy plover, the sandy beach, management of access is a resource-dependent activity. In addition, the Commission finds that by decreasing public access in plover nesting areas, the proposed interim management of beach access would increase protection for the snowy plover, and, furthermore, would be accomplished in a manner that will not cause disruption to plover nesting or reproductive success. The Commission therefore concludes that the Air Force's access management program is consistent with the environmentally sensitive habitat policy (Section 30240(a)) of the Coastal Act.

VII. SUBSTANTIVE FILE DOCUMENTS:

1. Consistency Determination No. CD-67-95 (Air Force, Public access restrictions for snowy plover); Negative Determination No. ND-87-99 (Air Force, after-the-fact emergency beach closure to protect snowy plover; Negative Determination No. ND-20-00 (Air Force, “immediate” (i.e., March 1-March 15, 2000 beach closure).
2. Designation of Critical Habitat for Pacific Coast Population of the Western snowy Plover; Federal Register Vol. 64, No 234, page 68508 et seq., December 7, 1999.
3. Final Report - Western Snowy Plover Monitoring in 1993 at Vandenberg Air Force Base, February 2, 1994.
4. Final Rule for Determination of Threatened Status for the Pacific Coast Population of the Western snowy Plover; Federal Register Vol. 58, No 42, page 12864; March 5, 1993.
5. Page, Gary W., et al., Distribution and Abundance of the Snowy Plover on its Western North American Breeding Grounds; Journal of Field Ornithology, 62(2): 245 - 255.
6. Consistency Determinations: CD-21-82 (Air Force, Space Shuttle Facility), CD-5-89 (Air Force, Titan IV at SLC-7), CD-28-90, (Air Force, Titan IV at SLC-6), CD-65-90 (Air Force, Acquisition of development rights on Bixby Ranch), and CD-12-94 Air Force experimental seasonal beach closure, Ocean Beach).
7. Draft Environmental Assessment, Modification of Public Access Routes at Ocean Beach Vandenberg Air Force Base, California, February 22, 1994.
8. Draft Environmental Assessment, Modification of Public Access Routes at Ocean Beach Vandenberg Air Force Base, California, March 1995.
9. U.S. Fish and Wildlife Service, Biological Opinion on the proposal to modify recreational beach access, Ocean Beach, Vandenberg Air Force Base, February 3, 1995.
10. Preliminary Findings, Snowy Plover Reproductive Success on Ocean Beach, Vandenberg Air Force Base, California, U.S. Air Force, prepared for the California Coastal Commission, July 1998.